

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DR. MORGAN REYNOLDS ON BEHALF OF THE UNITED  
STATES OF AMERICA,

Plaintiff/Relator,

-against-

SCIENCE APPLICATIONS INTERNATIONAL, CORP.;  
APPLIED RESEARCH ASSOCIATES, INC.; BOEING;  
NUSTATS; COMPUTER AIDED ENGINEERING  
ASSOCIATES, INC.; DATASOURCE, INC.; GEOSTAATS,  
INC.; GILSANZ MURRAY STEFICEK LLP; HUGHES  
ASSOCIATES, INC.; AJMAL ABBASI; EDUARDO  
KAUSEL; DAVID PARKS; DAVID SHARP; DANIELLE  
VENEZANO, JOSEF VAN DYCK; KASPAR WILLIAM;  
ROLF JENSEN & ASSOCIATES, INC.;  
ROSENWASSER/GROSSMAN CONSULTING  
ENGINEERS, P.C.; SIMPSON GUMPERTZ & HEGER, INC.;  
S.K. GHOSH ASSOCIATES, INC.; SKIDMORE, OWINGS &  
MERRILL, LLP; TENG & ASSOCIATES, INC.;  
UNDERWRITERS LABORATORIES, INC.; WISS,  
JANNEY, ELSTNER ASSOCIATES, INC.; AMERICAN  
AIRLINES; SILVERSTEIN PROPERTIES; AND UNITED  
AIRLINES,

Defendants.

07 CIV 4612 (GBD)(DF)

**DECLARATION OF  
PHILIP TOUITOU**

I, PHILIP TOUITOU, an attorney duly admitted to the bar of this Court, declare pursuant to 28 U.S. C. § 1746 and under penalty of perjury under the laws of the United States of America, that the following statements are true and correct:

1. I am a member of Hinshaw & Culbertson, LLP, attorneys for defendants WISS, JANNEY, ELSTNER ASSOCIATES, INC. ("WJE") and ROLF JENSEN & ASSOCIATES, INC. ("RJA") in this lawsuit brought pursuant to the False Claims Act. I have reviewed the pleadings and our files in this matter and, based on our analysis of the same, I am familiar with the facts set forth herein.

2. I submit this declaration in support of defendants WJE and RJA motion to dismiss the Complaint, pursuant to Rules 12(b)(1) and 9(b) of the Federal Rules of Civil Procedure, by adopting and incorporating co-defendant Applied Research Associates, Inc.'s ("Applied Research") motion to dismiss on the same grounds.

3. Plaintiff filed the Complaint on May 31, 2007 bringing claims pursuant to the False Claims Act. The Complaint alleges, in a wholly conclusory manner, that defendants manipulated and provided false information to the United States Government during the investigation of the September 11, 2001 events conducted by National Institute of Standards and Technology ("NIST").

4. Defendant WJE is a corporation organized and existing under the laws of the State of Illinois. It is engaged in the business of professional engineering and architecture, and maintains a principal office at 330 Pfingsten Road, Northbrook, Illinois 60062.

5. Defendant RJA is a corporation organized and existing under the laws of the State of Illinois. It is engaged in the business of engineering, focusing on fire protection. It maintains a principal office at 600 W. Fulton Street, Suite 500, Chicago, Illinois 60661.

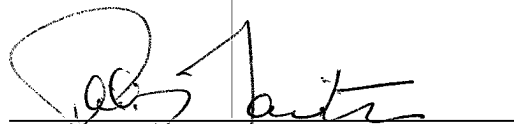
6. Upon information and belief, defendants WJE and RJA provided consulting services to NIST in regards to inquiries which NIST was conducting. WJE and RJA also examined artifacts related to that investigation.

7. Plaintiff's Complaint fails to allege specific actions and/or omissions attributable to either defendant WJE or RJA.

8. For these reasons and the reasons set forth in defendant Research Associates' moving papers, which are adopted and incorporated herein, defendants move to dismiss the complaint against them.

**WHEREFORE**, it is respectfully requested that the Court grant defendants WJE's and RJA's motion to dismiss the Complaint, with prejudice and with costs.

Dated: New York, New York  
October 9, 2007

  
Philip Touitou (PT- 4302)